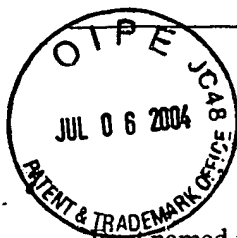


DAC
#19



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

RECEIVED

JUL 09 2004

First named inventor : Lee Dante

App. No. : 09/672,843

Filed : September 28, 2000

Title : METHOD FOR
TREATING EMOTIONAL
OR MENTAL ILLNESS
AND EMOTIONAL OR
MENTAL ILLNESS
CONCOMITANT WITH
SEIZURES

Examiner : Rose, Shep K.

Group Art Unit: 1614

OFFICE OF PETITIONS

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

6-30-2004
(Date)
Ned A. Israelsen, Reg. No. 29,655

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTN: Mail Stop DAC

The above-identified application was erroneously declared abandoned for failure to file a timely and proper response to the Office Action mailed on November 8, 2002, which set a 2-month period for response. Applicant timely filed a response which was received by the Patent Office December 27, 2002. A Notice of Abandonment was mailed September 5, 2003.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

1. Petition fee
 - (X) Small entity - fee \$665
The present application qualifies for small entity status under 37 C.F.R. § 1.27.
 - () Other than small entity - fee \$1,330
2. Proposed response and/or fee
 - a. The proposed response and/or fee to the above-noted Office Action in the form of a "Quayle" Declaration consisting of a REISSUE APPLICATION DECLARATION BY THE INVENTOR:
 - (X) has been filed previously on December 27, 2002, a copy is enclosed herewith.
 - () is enclosed herewith.

07/07/2004 CNGUYEN 00000147 09672843

01 FC:2453

665.00 OP

3. Terminal disclaimer fee
(X) Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
() A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$___ for a small entity or \$___ for other than small entity) disclaiming the required period of time is enclosed herewith.
4. A timely response to the Office Action mailed on November 8, 2002 was filed by the Applicant and received by the Patent Office on December 27, 2002. A copy of the response, stamped "Received" by the Patent Office is enclosed herewith. The entire delay in filing a petition to revive the application from the mailing of the Notice of Abandonment on September 9, 2003 until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
- Applicant respectfully requests refund of the enclosed Petition Fee, as the Petition for Revival was necessitated by the Patent Office's error in entering a Notice of Abandonment.
- (X) A Revocation and Power of Attorney is enclosed.
- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.
- (X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6-30-2004

By: 

Ned A. Israelsen
Registration No. 29,655
Attorney of Record
Customer No. 20,995
(619) 235-8550



COPY

ATTORNEY DOCKET NO. JSN.02
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Lee G. Dante

Serial No.09/672,843

Filed: September 28, 2000

For: METHOD FOR TREATING EMOTIONAL OR
MENTAL ILLNESS AND EMOTINAL OR MENTAL
MENTAL ILLNESS CONCOMITANT WITH SEIZURES)

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JUL 0 9 2004

OFFICE OF PETITIONS

) Group Art Unit: 1614

) Examiner: Jarvis, W.

) Today's Date: 12/27/02

02 DEC 27 PM 1:53

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TRANSMITTAL LETTER FOR SUBMISSION OF "QUAYLE" DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

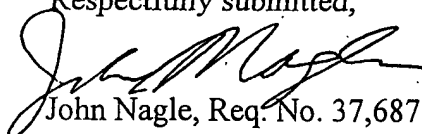
Transmitted herewith is the inventor's "Quayle" Declaration pursuant to the Examiner interview discussions between Examiner Jarvis, and Applicant's former Attorney, William Johnson of Needle & Rosenberg.

Applicant's "Revocation and New Appointment of Power of Attorney", appointing John Nagle as his new attorney, was filed by U.S. Postal Service deposit on December 26, 2002, however, an original executed copy of the same is provided herewith, attached.

It is believed by Applicant that the submission of the Quayle declaration now puts the subject Re-issue application in condition for allowance. Accordingly, as the Re-issuue claims read on those for U.S. Patent 5,958,962, it is requested that an interference be immediately declared.

Should the Examiner have any questions regarding the Re-issue application or an interference or any other matter, please phone, Attorney, John Nagle at 818-632-6278. Thank you.

Respectfully submitted,


John Nagle, Req. No. 37,687

OREX.004DD



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lee G. Dante) Group Art Unit: 1614
App. No. : 09/672,843)
Filed : September 28, 2000)
For : METHOD FOR TREATING)
EMOTIONAL OR MENTAL)
ILLNESS AND EMOTIONAL OR)
MENTAL ILLNESS CONCOMITANT)
WITH SEIZURES)
Examiner : Rose, Shep K.)

REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned applicant and owner of an undivided interest in the captioned patent application hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected herewith.

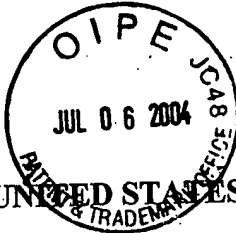
Please use **Customer No. 20,995** for all communications.

Dated: 6/20/04

Signed: Lee G. Dante

Lee G. Dante, M.D.
321 Berkeley Road
Merion Station, PA 19066

COPY



ATTORNEY DOCKET NO. 162 DEC 27 PM 1:53

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Lee G. Dante

Serial No. 09/672,843

Filed: September 28, 2000

For: METHOD FOR TREATING EMOTIONAL OR
MENTAL ILLNESS AND EMOTIONAL OR MENTAL
MENTAL ILLNESS CONCOMITANT WITH SEIZURES)

) Group Art Unit: 1614

) Examiner: Jarvis, W. R.

) Today's Date: 12/25/02

REVOCATION AND NEW APPOINTMENT OF POWER OF ATTORNEY

Box AF, Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The undersigned Applicant for, and part owner of, the above identified application hereby revokes any and all previous Powers of Attorney and appoints, John S. Nagle, Reg. No. 37,687, as Applicant's attorney with full powers of substitution and revocation and full powers to prosecute said patent (re-issue) application, receive any Letters Patent, and to take any and all other actions with regard to this patent application or any divisional or continuation application arising therefrom, and further requests that all correspondence be sent to the Law Office of John Nagle, whose post office address is: 21757 Devonshire St., #15, Chatsworth, CA 91311.

Dated: December 25, 2002. Executed at Bethesda, Maryland

818 222 6747

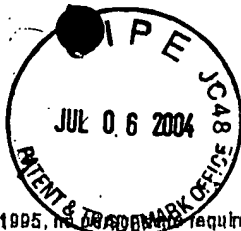
Lee G. Dante
Lee G. Dante, M.D.

Certificate of Mailing

I hereby certify that the correspondence referenced herein and any documents referenced herein as being enclosed are being deposited with the United States Postal Service in an envelope addressed to BOX AF, Commissioner of Patents, Washington, D.C. 20231 on the date below

John S. Nagle

December 26, 2002
Date



COPY

PTO/SB/61 (12-97)

Approved for use through 6/30/00. OMB 0831-0033
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

XXXXXXXXXX
XXXXXXXXXX

USPN.

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CENTER 1600/2900

-As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,034,091, granted March 7, 2000, and for which a reissue patent is sought on the invention entitled Method for Treating Emotional or Mental Illness and Emotional or Mental Illness Concomitant with Seizures, the specification of which

☒ is attached hereto.

☐ was filed on _____ as reissue application number ____/_____
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of other errors.

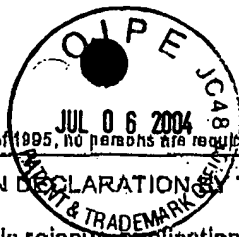
At least one error upon which reissue is based is described as follows:

The failure to include claims of proper scope to provoke an interference in the original patent application including a claim to a method of treating depression in a patient who is also being treated for alcoholism and a claim to a drug combination comprising naltrexone in an amount of 10-25mg/day and floxentine, in an amount of 10-40mg/day.

[Page 1 of 2]

Burdan Hour Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Approved for use through 9/30/00. OMB 0851-0039
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)					Docket Number (Optional) XXXXXX JSN.02	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.						
Name(s)			Registration Number			
XXXXXXXXXXXXXXXXXXXX			XXXXXXXXXX			
John S. Nagle			37,687			
Correspondence Address: Direct all communications about the application to:						
<input type="checkbox"/> Customer Number		<div style="border: 1px solid black; width: 150px; height: 20px;"></div>		<div style="border: 1px solid black; width: 100px; height: 40px; text-align: center; font-size: 8px;">PATENT TRADEMARK OFFICE</div>		
OR Type Customer Number here						
<input checked="" type="checkbox"/> Firm or Individual Name		Law Office of John Nagle				
Address		21757 Devonshire St., #15				
Address						
City		Chatsworth		State		CA
Country		USA		ZIP		91311
Telephone		818-632-6278		Fax		818-885-6648
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.						
Full name of sole or first inventor (given name, family name) Lee G. Dante						
Inventor's signature <i>Lee G. Dante</i>						
Residence 321 Berkeley Road				Date 12/8/02		
Post Office Address Merrion Station, PA 19066				Citizenship U.S.A.		
Full name of second joint inventor (given name, family name)						
Inventor's signature				Date		
Residence				Citizenship		
Post Office Address						
Full name of third joint inventor (given name, family name)						
Inventor's signature				Date		
Residence				Citizenship		
Post Office Address						